

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.523 OF 2018

(Shubham s/o Ashok Kurvey Vs. State of Maharashtra thr. PSO PS Gadchiroli)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri K.S. Motwani, Advocate for Applicant.
Shri C.A. Lokhande, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 15th JUNE, 2018.

Shri C.A. Lokhande, the learned Additional Public Prosecutor is seeking some time on the ground that although the reply is ready it could not be sworn since I.O. could not come due to some unavoidable reason.

I have perused the reply although the same is not sworn by the I.O. I have also perused the order of the learned Sessions Judge and the say of the prosecution in the sessions court.

The applicant, who according to the learned counsel Shri K.S. Motwani is a student has no criminal antecedent. The applicant is in custody since 30.04.2018. The objection of the State appears to be that main accused Sonu Panjwani is yet to be interrogated and if the applicant is released on bail it is likely that the applicant shall help the said Sonu to abscond. The objection is noted only for rejection. Firstly, the main accused Sonu is protected by this court and it cannot be said that he is absconding.

Secondly, there is no material to suggest that the applicant is in a position to help the co-accused, who incidentally according to the prosecution is the main accused, to abscond. Such stretched apprehension cannot be a ground for rejection of bail. Since the accused has no criminal antecedent and is a student, I am inclined to allow the application.

The applicant be released on furnishing personal bond of Rs.15,000/- with a solvent surety of the like amount.

The applicant shall not tamper with the evidence nor shall applicant directly or indirectly attempt to influence the witnesses in any manner.

The application is disposed of accordingly.

JUDGE